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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
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3 UNITED STATES PATENT AND TRADEMARK OFFICE  
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6 BEFORE THE BOARD OF PATENT APPEALS  
7 AND INTERFERENCES  
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10 Ex parte KESATOSHI TAKEUCHI  
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13 Appeal 2008-5757  
14 Application 09/776,677  
15 Technology Center 2600  
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18 Oral Hearing Held: December 9, 2008  
19

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21  
22 Before JOSEPH F. RUGGIERO, ROBERT E. NAPPI, and JOHN A.  
23 JEFFERY, Administrative Patent Judges  
24

25 ON BEHALF OF THE APPELLANT:  
26

27 SURINDER SACHAR, ESQ.  
28 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT,  
29 P.C.  
30 1940 DUKE STREET  
31 ALEXANDRIA VA 22314  
32

33 The above-entitled matter came on for hearing on Tuesday, December  
34 9, 2008, commencing at 9:40 a.m., at The U.S. Patent and Trademark Office,  
35 600 Dulany Street, Alexandria, Virginia, before Janice A. Salas.  
36  
37

1 THE CLERK: Calendar number 7, appeal number 2008-5757, Mr.  
2 Sachar.

3 JUDGE HAIRSTON: I'm ready if you are.

4 MR. SACHAR: This case is directed to an image display device or  
5 processing device in which a user can adjust different image quality  
6 parameters. Examples of those parameters would be brightness, contrast,  
7 sharpness. The applicants recognize that in this type of device, certain  
8 parameters can have undesirable influence on other parameters.

9 One example we discuss in the specification and is reflected more  
10 clearly in some of the dependent claims is if you adjust a sharpness, it could  
11 have an undesirable effect on a brightness. In view of that recognition that  
12 certain parameters can undesirably influence other parameters, the present  
13 invention can address that type of situation.

14 Our claims reflect that in this type of device, the user can directly set  
15 an image quality adjustment other than contrast or brightness, and then  
16 further, that still results in adjusting the brightness to maintain a desired  
17 brightness.

18 So again, as a concrete example, if a user adjusts a sharpness on an  
19 image display parameter, that's going -- in our device that's also going to  
20 result in varying the brightness to maintain a brightness at a certain level.

21 The prior art that's cited, we believe, doesn't disclose either of those  
22 aspects. The primary reference is this U.S. Patent to Higuchi, and that's  
23 cited to recite at an age dial 14, which, in that device, a user can set their  
24 age, and that's going to result in automatic adjustments of different image  
25 properties.

26 The older you are, maybe you need a brighter image, less darkening

1 image, more contrast, et cetera.

2 There's two problems with that primary reference as we see it. The  
3 first problem is there's no direct setting of image quality adjustments. At  
4 most there's an indirect setting. The direct setting in Higuchi is to the age,  
5 and based on that age setting, other image qualities will be adjusted, but  
6 there's no direct setting of image quality parameters.

7 Secondly, there's no disclosure about maintaining a brightness in view  
8 of sort of a -- a parameter unrelated directly to brightness or that isn't the  
9 brightness control. Again, in our device, if you adjust the parameter, not --  
10 if you don't adjust brightness, that's still going to result in a compensation for  
11 brightness, and that's not addressed in Higuchi.

12 The secondary reference is Johnson, which does disclose direct --  
13 image quality parameters that can be directly adjusted.

14 Being disclosed is sort of a standard process where you can adjust  
15 brightness, contrast, sharpness, and tint, but, again, Johnson, we feel, is  
16 deficient as Johnson doesn't disclose that if you're going to adjust the  
17 parameter excluding contrast or brightness, that you still make a  
18 compensation for brightness to maintain the brightness.

19 Secondly, the two references seem to be at opposite objectives.  
20 Higuchi is designed, it seems, in large part to avoid having direct  
21 adjustments. Higuchi is designed so that an elderly user can come in, dial  
22 their age and be done with it, not having to make any separate adjustments.

23 JUDGE HAIRSTON: So if there's any direct -- if there's any image  
24 quality adjustment, you're including contrast and brightness as opposed to  
25 excluding.

26 MR. SACHAR: Yes. Contrast and brightness can be -- you can have

1 adjustments for contrast and brightness.

2 In our device, if you're not adjusting one of those, we still make a  
3 compensation for brightness, but certainly, the parameters that could be  
4 adjusted could be those, and those will directly -- obviously, if you change  
5 brightness, that directly affects the brightness.

6 Again, Johnson is sort of designed specifically to allow each of those  
7 individual parameters to be adjusted, which would appear to be directly  
8 contrary to the objective of Higuchi, which is to simplify the operation by  
9 just setting a -- automatically setting image qualities based on age.

10 So there doesn't seem to be any -- it seems to be contrary to Higuchi  
11 or at least a step back from the objective of Higuchi to then try to again to  
12 modify Higuchi to include individual adjustment of parameters, and absent  
13 that, you're not going to get the objective of our device which is when you  
14 change one parameter, you compensate for a different parameter.

15 JUDGE HAIRSTON: Is that it?

16 MR. SACHAR: That's --

17 JUDGE HAIRSTON: Okay. Any questions?

18 JUDGE JEFFERY: No questions.

19 JUDGE NAPPI: No questions.

20 JUDGE HAIRSTON: Thank you, counsel.

21 MR. SACHAR: Thank you very much for your time.

22 (Whereupon, the proceedings at 9:45 a.m. were concluded.)